

ADOLF B. JOCHNICK AND SAMUEL PISAR

JUNE 30, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 10376]

The Committee on the Judiciary, to which was referred the bill (H.R. 10376) for the relief of Adolf B. Jochnick, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

AMENDMENTS

1. After line 6, add the following new section 2:

SEC. 2. Notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Samuel Pisar has resided and was physically present in the United States or any State since October 29, 1956, shall be held and considered as compliance with the residence and physical presence requirements of section 316 of the said Act.

2. Amend the title to read:

A bill for the relief of Adolf B. Jochnick and Samuel Pisar.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Adolf B. Jochnick, who entered the United States on several occasions as a nonimmigrant between 1953 and 1956, as of August 1, 1953, the date of his first entry. No quota charge is provided for, inasmuch as the beneficiary was charged to the appropriate quota at the time he was lawfully admitted to the United States for permanent residence in September 1956, at which time the required visa fee was also paid. The bill has been amended to add the case of Samuel Pisar, who was previously the

beneficiary of a Senate bill. The amendment would enable the beneficiary, who was lawfully admitted to the United States for permanent residence on October 29, 1956, to file a petition for naturalization, notwithstanding the fact that he has resided abroad for temporary periods.

STATEMENT OF FACTS

The beneficiary, Adolf B. Jochnick, is a 31-year-old citizen of Sweden who was born in the United States. He was taken to Sweden by his parents when he was 4 months old. The beneficiary served honorably in the Swedish Army from June of 1948 to March of 1950. In 1953 he was admitted to the United States as an exchange visitor, returned to Sweden, and was subsequently admitted to the United States as a student in 1954. He was admitted for permanent residence in September of 1956 and resides in New York City with his wife, a citizen of the United States, and is employed as a law clerk. He has passed the New York State bar examination, but cannot be admitted to practice until he becomes a citizen.

A letter, with attached memorandum, dated May 25, 1960, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to this beneficiary, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 25, 1960.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 10376) for the relief of Adolf B. Jochnick, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N.Y., office of this Service, which has custody of those files.

The bill would permit the beneficiary, who will not have sufficient residence for naturalization eligibility before September 11, 1961, to file a petition for naturalization as of the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE ADOLF B. JOCHNICK,
BENEFICIARY OF H.R. 10376

The beneficiary, whose full name is Adolf Bertil Jonas af Jochnick, was born on June 5, 1929, in East Orange, N.J., and is a citizen of Sweden. He was taken to Sweden in October 1929 by his parents and maintained his residence in that country until his admission to the United States for permanent residence in September 1956. The beneficiary formally renounced his U.S. citizenship before the American Consul in Stockholm, Sweden, on or about July 15, 1953.

He resides in New York City with his wife, Elizabeth MacMahon, a U.S. citizen, whom he married on June 13, 1959. The beneficiary graduated from the University of Stockholm in 1952, and from Harvard Law School, Cambridge, Mass., in June 1958 with the degree of bachelor of laws. In January 1959 he passed the New York State bar examination, which he was permitted to take pursuant to a special order of the court of appeals. However, he cannot be admitted to the bar until evidence of his naturalization as a U.S. citizen is furnished.

The beneficiary is employed as a law clerk in New York City earning \$6,700 a year, and his wife is employed as a primary school teacher at an annual salary of \$4,000. Their assets consist of \$2,200 in savings and personal property worth \$1,500. The beneficiary also owns stock valued at \$450. His parents, three brothers, and one sister are citizens and residents of Sweden. The beneficiary served honorably in the Swedish Army from June 15, 1948, to March 9, 1950.

The beneficiary first entered the United States in 1953 for the purpose of study under the exchange visitor program and returned to Sweden in 1954. He was readmitted as a nonimmigrant student in 1955, destined to the Harvard Law School, and returned to Sweden in the following year. On September 11, 1956, he was admitted to the United States for permanent residence at New York, N.Y., upon presentation of a nonpreference quota immigrant visa issued by the American Consul in Stockholm. Since then, he has made several trips to Sweden to visit his parents, after which he was readmitted as a returning resident, the last time on February 22, 1960.

Congressman John V. Lindsay, the author of H.R. 10376, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. Chairman, this bill for the relief of Adolf B. Jocknick, an immigrant already admitted for permanent residence, would permit the beneficiary, who will not have sufficient residence for naturalization eligibility before September 11, 1961, to file a petition for naturalization as of the date of enactment of the bill.

The beneficiary was born in East Orange, N.J., on June 5, 1929. At that time his parents were in the United States temporarily for business purposes. In October 1929 he was taken back to Sweden with his family where he resided and attended school until his return to the United States in 1953.

In June of 1948 he was conscripted into the Swedish Army and he subsequently accepted a commission. During the period 1950-52 he attended and graduated from the University of Stockholm and he received a B.A. degree. In July 1953 he entered the United States as an exchange visitor in order to study at the University of Kansas under a scholarship granted by our State Department in conjunction with its educational exchange program. Prior to his entry and believing his right to U.S. citizenship had already been for-

feited he consented to signing a renunciation of any such rights at the insistence of the American consular officials in Stockholm. He did so in order to receive a visa which he needed immediately to attend the University of Kansas. He received an M.A. degree at that University in June 1955. He returned to Sweden briefly in 1954 and in 1955 he was readmitted as a nonimmigrant student in order to study law at Harvard. He returned to Sweden in the summer of 1956 after 1 year at Harvard and he then elected to come back to the United States and stay. On September 11, 1956, he was admitted to the United States for permanent residence upon presentation of a nonpreference quota immigrant visa issued by the American consul in Stockholm. He graduated from Harvard Law School in June of 1958 and he commenced work with the law firm of Royall, Koegall, Harris & Caskey in New York City.

By special permission of the New York Court of Appeals he was permitted to take the bar examination in New York in spite of the fact that he failed to satisfy citizenship requirements. Mr. Jochnick passed that examination but he cannot be admitted to practice in New York until the citizenship requirement is fulfilled. Since his date of residence in the United States is September 11, 1956, he will not be able to petition for naturalization until September 11, 1961.

Mr. Chairman, the merits of this case do not present the picture of patent hardship evidenced in so many other bills that come before this subcommittee. However, each one of us, being lawyers, can appreciate the frustration sensed by the beneficiary and his firm. To be so close to one's chosen profession, to be fully qualified, to utilize its tools and yet to be unable to take one positive step in the exercise of an attorney's function is an unhappy lot for any young man. This bill is designed to expedite the naturalization process as citizenship is required for admission.

This subcommittee had a similar bill before it in the 85th Congress with facts that were very identical to these. This subcommittee reported the bill favorably and the legislation was subsequently enacted.

The interest in this legislation expressed by members of his firm leads me to believe that Mr. Jochnick's services are highly valuable to his firm and his profession. At present he is only able to render these services in a limited manner. To the beneficiary there remains the uncertainty, though, that this splendid opportunity to practice law with such a well-known firm could be terminated by reason of his limitations at this time. Their patience is admirable but no one would deny them their justification if they elected to seek another young attorney in his place. Opportunities to practice law in such excellent firms in New York are not frequent and a loss of such could be harmful to the beneficiary, his firm perhaps, and his profession.

The residence requirements are essential in the determination of an intent to bear true faith and allegiance to the United States. On the other hand I am convinced that such intent already exists here. Mr. Jocknick has resided in the United States since 1953 and in my judgment the tenor of section 1427 of title 8 has been met.

Mr. Jocknick is married to an American girl. He has a distinguished academic career here. He is of proven worth to his employers and he is well thought of by his associates. He has met the rigid requirements of the New York bar examiners. His last obstacle to pursue his profession here in the United States is time. I urge the subcommittee to act favorably on this bill to expedite the latter factor.

Thank you.

S. 3032—Samuel Pisar

The beneficiary, Samuel Pisar, is a 31-year-old native of Poland and citizen of Australia, who first entered the United States on September 14, 1954, as a student. He was married to a native-born U.S. citizen on December 30, 1955, and they have a 3-year-old citizen child. The beneficiary's status was adjusted to that of permanent residence on October 31, 1956. He was employed by UNESCO at Paris from December 1956 to June 1959, having spent vacations of approximately 1 month each year in the United States. Since July 1959 he has been employed as the Paris representative of a U.S. law firm. Because of his absences from the United States he has been unable to meet the physical presence requirements for naturalization, but is otherwise able to comply with the usual residence requirements for naturalization in the case of the husband of a U.S. citizen.

A letter, with attached memorandum, dated March 10, 1960, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., March 10, 1960.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3032) for the relief of Samuel Pisar, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would waive the residential and physical presence requirements of the Immigration and Nationality Act and would permit the beneficiary to petition for U.S. citizenship in any court having naturalization jurisdiction.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SAMUEL PISAR, BENEFICIARY OF S. 3032

Information concerning this case was obtained from the beneficiary by correspondence.

Samuel Pisar, a native of Poland and a naturalized citizen of Australia, was born on March 18, 1929. He married Norma Marmorston, a native and citizen of the United States, on December 30, 1955. They have one daughter born in Los Angeles, Calif., on May 4, 1957. The family resides at 45 Rue de Fleurus, Paris, France. The beneficiary was granted the degree of bachelor of laws by the University of Melbourne, Australia, in 1953. He attended Harvard University from September 1954 until June 1956 and was awarded the degrees of master of laws and doctor of juridical science. He is employed as the Paris representative of the law firm of Hays, Busby & Rivkin, 750 Third Avenue, New York, N.Y., and receives \$15,000 a year. He has assets consisting of savings of approximately \$10,000.

The beneficiary entered the United States as a student on September 14, 1954. His status was adjusted to that of lawful permanent residence in the United States on October 31, 1956. Mr. Pisar departed from the United States in December 1956 to assume duties as legal counsel with the United Nations Educational, Scientific, and Cultural Organization at Paris, France. He continued in this position until June 1959 when he obtained his present employment. He has spent his vacations since 1956, approximately 1 month each year, in the United States having been admitted as a returning resident of this country on each occasion.

According to information received, the beneficiary's parents and only brother were killed during World War II. Following the war the beneficiary joined an uncle in Australia where he resumed his schooling and was admitted to the practice of law. While a student at Harvard University in 1956 he was awarded the Addison Brown prize for outstanding academic work.

The beneficiary desires to become a citizen of this country, not only because his wife and child are citizens of the United States and his legal education was completed here, but also in order that he may be admitted to the practice of law in the United States. According to his employers, U.S. citizenship is not a requirement for his present position.

Senator Mike Monroney, the author of the bill, has submitted the following information in connection with the case:

U.S. SENATE,
Washington, D.C., February 29, 1960.

Hon. JAMES EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: There has been referred to your committee the bill, S. 3032, for the relief of Samuel Pisar, which I introduced on February 16, 1960. I am taking this means of advising you and the committee of the circumstances which led me to introduce this bill and which I hope you will conclude justify your favorably reporting the bill to the Senate.

Samuel Pisar is the husband of a native-born citizen of the United States and I understand is therefore eligible for naturalization under section 319(a) of the Immigration and Naturalization Act. His status was adjusted to that of an alien lawfully admitted to the United States for permanent residence on October 29, 1956. He therefore completed the 3-year residence required by law on October 29, 1959. However, he did not have on that date the required 18 months of physical presence in the United States. S. 3032 is intended to authorize his naturalization upon his compliance with all the requirements of the Immigration and Naturalization Act except the requirement for physical presence and provides that no physical presence shall be required in addition to that which he has had since October 29, 1956.

I am attaching as an appendix to this letter a chronology which I have prepared on the basis of information provided to me by Mr. Pisar and the Immigration and Naturalization Service. It is as accurate as was possible on the basis of Mr. Pisar's records. I have taken the precaution of submitting a copy of this chronology, by letter of November 18, 1959, to the Immigration and Naturalization Service so that they will have an opportunity to correct any unintentional errors which it may contain on the basis of their records.

I would like to discuss in some detail the reasons which make me feel that an exception from the requirement of 18 months' physical presence is justified in this case.

Samuel Pisar was originally of Polish nationality. He was born in Bialystock, Poland, on March 18, 1929. At that time his immediate family resided in Poland, but he had relatives in Australia, France, and the United States.

As you know, during World War II the eastern part of Poland, where his family lived, was overrun first by the Russian and then by the German army. The property and possessions of the Pisar family were requisitioned first by the Russians when they invaded Poland in 1939 and then by the Germans in 1941.

When Samuel Pisar was 11 years old he and his entire family were interned by the Germans. At the age of 13 he was taken to a German concentration camp, from which he was liberated by the advancing U.S. Army in the vicinity of Munich in April 1945. So at the age

of 16 Samuel Pisar found himself the sole survivor of what had been a large Jewish family, but with the beginning of a new allegiance to the Nation whose liberating army brought him his first taste of freedom after 5 years of horror.

Soon after the war Samuel Pisar's relatives in Australia traced him to Germany and began to make arrangements to bring him to Australia. While these arrangements were being made, he lived in the American Zone of Germany and then in Paris, where he did his best to resume his interrupted education.

He arrived in Melbourne, Australia, at the beginning of 1947, and at the age of 17 was immediately admitted to Taylors College from which he graduated in 1949. He then studied at Queens College and at the Law School of Melbourne University.

He made a brilliant academic record. He won the Commonwealth scholarship in 1950, 1951, 1952, and 1953, became an editor of the Melbourne Law Review, was awarded the Bailey Prize of the law school and received his LL.B. degree in 1953, graduating magna cum laude.

Upon his graduation from the Law School of Melbourne University, he joined one of Australia's leading law firms, Oswald Burt & Co., and served as personal assistant to the senior partner, Mr. Oswald Burt.

Through all these years he had maintained his warm feeling for the United States and his desire to come here. In 1954 he found the means and applied for and received a fellowship from Harvard Law School for postgraduate study and research. He arrived in the United States to begin his studies on September 14, 1954.

At this time he began a period of approximately 2 years' study at Harvard. In June 1955 he obtained his LL.M. degree and was awarded a further fellowship by the university to work toward the degree of doctor of juridical science. He completed his residence work toward this degree in 1956 and was awarded the Addison Brown Prize of Harvard University for that year. His S.J.D. degree was actually conferred after the submission and publication of his thesis in June 1959.

While studying at Harvard, he was selected by the Australian Government and the Secretary General of the United Nations as Australia's United Nations intern for 1955 and served in this capacity in the office of the legal counsel of the United Nations in the summer of 1955.

While at Harvard, he met and in December 1955 married Miss Norma Marmorston, of Beverly Hills, Calif. His status was adjusted to an alien lawfully admitted to the United States for permanent residence on October 29, 1956. His registration number is A10022768. Mr. and Mrs. Pisar have one daughter, Helaina Pisar, who was born in Los Angeles on May 4, 1957.

Samuel Pisar's lack of the required period of physical presence in the United States has been the direct result of his outstanding legal ability. He has specialized in the field of the legal problems involved in international trade and investments and has become one of the outstanding authorities on this subject in the world. His work in this field has been facilitated by the fact that he is fluent in English, German, French, and Russian. His writings on the legal problems of international trade have been widely published in legal journals

both in the United States and abroad. His work has been particularly outstanding in pointing out the dangers and difficulties facing American businessmen in any attempt at commercial relations with the Soviet Union.

In November 1956 he was appointed legal counsel on the staff of Dr. Luther Evans, Director General of UNESCO and was assigned to UNESCO's office in Paris. While the attached chronology will show that he returned to the United States at every opportunity, his periods of physical presence in the United States still fall short of the 18 months required by law prior to naturalization.

In 1959 he was given an opportunity to enter the private practice of law with an American firm. He therefore resigned from UNESCO and on June 15, 1959, became associated with the firm of Hays & Busby, 750 Third Avenue, New York, N.Y. Again his special qualifications in international trade led him to be assigned by Hays & Busby to that firm's Paris office, so that for a second time his assignment by his employer interrupted his physical presence in the United States. He is currently employed by Hays & Busby at their office at 8 Place Vendome, Paris, France.

I can say without hesitation to you, Mr. Chairman, and to the committee on the basis of a personal acquaintance with him that I know of no one with a deeper or more sincere love for the United States, its Government, and its institutions, than Samuel Pisar. His greatest ambition is to become an American citizen, to be admitted to the American bar, and to participate in what he regards as the greatest legal system yet conceived by man.

I can say with equal conviction that I know of no applicant for citizenship who would bring to this country more valuable knowledge and experience, or knowledge in any field in which it is more solely needed.

His very knowledge and special ability in the law has led to assignments which have taken him out of the United States, and these circumstances rather than his choice have made it difficult or impossible for him to satisfy the requirement of physical presence even through the period of residence has been satisfied. He has had, after all, the problem of making a living for an American wife and daughter.

I therefore respectfully recommend to you and to the committee favorable action on this bill permitting the waiver of the requirement for physical presence and Samuel Pisar's naturalization upon his satisfying the remaining requirements of the statute.

Respectfully,

MIKE MONRONEY.

SAMUEL PISAR

September 14, 1954: Arrived in United States on nonimmigrant visa, classification F.

December 30, 1955: Married Norma Marmorston of 613 North Cannon Drive, Beverly Hills, Calif., a U.S. citizen by birth.

October 29, 1956: Status adjusted to alien lawfully admitted to the United States for permanent residence (registration No. A10022768).

November 14, 1956: Registered with Selective Service System, No. 501329975, classified 5A.

November 28, 1956: Appointed legal counsel on staff of Dr. Luther Evans, Director-General of UNESCO.

December 1, 1956: ¹ Departed United States for Paris for duties in UNESCO office (assumed duties December 6, 1956).

May 4, 1957: Daughter, Helaina Pisar, born in Los Angeles, Calif.

June 9, 1957: Returned to United States.

July 15, 1957: ² Departed United States for Paris.

June 12, 1958: Returned to United States.

July 1, 1958: ³ Departed United States for Australia, the Far East, Paris.

April 30, 1959: Entered into agreement to join firm of Hays & Busby, counselors at law, 750 Third Avenue, New York, N.Y.

June 3, 1959: Returned to United States.

June 3, 1959: Terminated employment with UNESCO.

June 15, 1959: Became associated with firm of Hays & Busby.

July 3, 1959: Departed United States for Paris. Assigned by firm to Paris office, 8 Place Vendome, Paris 1^{er}.

Periods of physical presence in and absence from United States:

(1) September 14, 1954, to December 1, 1956, physically present in United States.

(2) December 1, 1956, to June 9, 1957, absent (UNESCO).

(3) June 9, 1957, to July 15, 1957, physically present in United States.

(4) July 15, 1957, to June 12, 1958, absent (UNESCO).

(5) June 12, 1958, to July 1, 1958, physically present in United States.

(6) July 1, 1958, to June 3, 1959, absent (UNESCO).

(7) June 3, 1959, to July 3, 1959, physically present in United States.

(8) July 3, 1959, to October 29, 1959, absent (Hays & Busby).

The committee, after consideration of all the facts in each case, is of the opinion that the bill (H.R. 10376), as amended, should be enacted.

¹ Estimated date of departure, during first week of December 1956.

² Estimated date of departure, during third week of July 1957.

³ Estimated date of departure, during first week of July 1958.